



IN REPLY REFER TO:

CC-402

ENV-8.00

United States Department of the Interior

BUREAU OF RECLAMATION

Central California Area Office
7794 Folsom Dam Road
Folsom, California 95630-1799

AUG 23 2010

Mr. Guy Childs
Engineering Geologist
California Regional Water Quality Control Board
11020 Sun Center Road, Suite 200
Rancho Cordova, California 95670

Subject: Comments on Proposed Hearing for Napa Berryessa Resort improvement District
(CDO RS-2006-0113) Scheduled for September 2010

Dear Mr. Childs:

The Bureau of Reclamation has reviewed the Cease and Desist Order and Connection Restriction (Order) for the Napa Berryessa Resort Improvement District (NBRID) Wastewater Treatment Facility dated August 10, 2010. Please be aware that the named responsible party should be, Mike Finnegan, Area Manager, Central California Area Office, rather than Dan Kolda.

As the landowner of record, Reclamation is prepared to work in cooperation with NBRID and our concession operator, Pensus LBP, LLC (Pensus) to constructively respond to the Order as it applies to Steele Park Concession Area (now known as Lupine Shores Concession Area). Reclamation also has an obligation to protect the overall water quality at Lake Berryessa for project purposes.

To the best of our knowledge, the description of past events, system overages, and the Steele Park Concession Area outlined in the subject Order is substantially accurate. All wastewater inflow was terminated in October 2009 when the previous concession contract expired and Steele Park Concession Area was closed. Since that time, there has been no discharge or wastewater from Steele Park into the NBRID collection system; the ability to discharge into the system was effectively disabled by the removal of lift station pumps and equipment by the former concession contractor.

On April 28, 2010, Reclamation awarded a new long-term contract to Pensus for development and operation of the Lupine Shores Concession Area. In conformance with the contract, Pensus will be submitting a Concession Facilities Improvement Plan (CFIP) for Lupine Shores by September 15, 2010 for review and approval by Reclamation. The CFIP represents a master plan for full build-out of facilities over the term of the contract, including estimated visitation and Equivalent Dwelling Units expected to be generated at Lupine Shores. Also by September 15, 2010, Pensus will provide Reclamation with an "Improvement Management Plan" (IMP) detailing the infrastructure, utilities, structures, and services expected to be developed in the concession area in the near-term (1-3 years). Reclamation anticipates that in order to provide for visitor use, and public health and safety at Lupine Shores, Pensus will need to use the NBRID Wastewater Treatment Facility for their near-term facilities starting in the spring of 2011.

Because Pensus' development plans are a consideration in NBRID's facility improvement process, Reclamation recommends that the Regional Water Quality Control Board postpones making its decision until the parties have time to review and evaluate Pensus' forthcoming CFIP and IMP. Regardless of the date, Reclamation is committed to a timely outcome that is fully responsive to Board requirements and addresses key interests of the principals.

Reclamation's primary point of contact on this matter is Ms Peggi Brooks. Please contact Ms. Brooks at 916-989-7128 or pbrooks@usbr.gov with any additional correspondence or questions.

Sincerely,

MICHAEL R. FINNEGAN

Michael R. Finnegan
Area Manager

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WBR:MHarris:JTaylor:08/23/10:916-989-7162

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